

Jeffrey I. Hasson
Attorney at Law
12707 NE Halsey St.
Portland, OR 97230
Phone: (503) 255-5352
Facsimile: (503) 255-6124
E-Mail: hasson@dhlaw.biz
Oregon State Bar No. 872419
Attorney for DKC Investments, LLC

Honorable Thomas M. Coffin

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LAWRENCE JAMES SACCATO,

Plaintiff,

vs.

DAVIS LAW FIRM, DKC INVESTMENTS,
LLC, AND FIRST NATIONAL BANK OF
OMAHA

Defendants.

Case No.: 6:10-CV-06192-TC

DEFENDANT DKC INVESTMENTS, LLC'S
MOTION TO DISMISS

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(1)(A)

Pursuant to Local Rule 7.1 (a), the undersigned attorney for defendant DKC Investments, LLC ("DKC") certifies that he has conferred by telephone in good faith with Plaintiff, and defendant will oppose a Motion to Dismiss but has agreed to dismissal of all claims against DKC based upon the Fair Credit Reporting Act, 15 USC § 1681 et seq.

MOTION

Pursuant to FRCP 12(b)(6), defendant DKC Investments, LLC (DKC), by and through its attorney, Jeffrey I. Hasson, moves the court to dismiss this case for the reason that Plaintiff has failed to state a claim upon which relief can be granted.

DEFENDANT DKC INVESTMENTS, LLC'S MOTION TO
DISMISS -- Page 1

Davenport & Hasson, LLP
Attorneys at Law
12707 NE. Halsey Street
Portland, OR 97230
Telephone No. (503) 255-5352
Facsimile No. (503) 255-6124

The motion is based on the Plaintiff's Complaint, the Memorandum of Points and Authorities, the files and records in this matter, and FRCP 12(b)(6) which are fully incorporated by this reference.

Dated: August 16, 2010.

s/ Jeffrey I. Hasson

Jeffrey I. Hasson, OSB#872419

Davenport & Hasson, LLP

Phone: (503) 255-5352

Attorney for DKC

Certificate of Service

I hereby certify that on August 16, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Robert Sabido and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Lawrence James Saccato, 6387 Old Hwy 99S, Roseburg, OR 97471.

s/ Jeffrey I. Hasson
Jeffrey I. Hasson, OSB#872419
Attorney for DKC
Davenport & Hasson, LLP
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Portland, OR 97230
Phone: (503) 255-5352
Facsimile: (503) 255-6124
E-Mail: hasson@dhlaw.biz